U.S. Application No. 09/364,638
Reply to Office Action of May 1, 2006

<div align="right">PATENT
450127-02126</div>

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 45, 48-51, 53-55, 58-61, 63-65, 67, 69-71, 73-75, and 78-79 are pending. Claims 46, 52 56, 62, 68, 72, and 77 were previously canceled, without prejudice or disclaimer of subject matter. Claims 45, 51, 55, 61, 65, 71, and 75, which are independent, are hereby amended. Dependent claim 64 is also amended. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 12, lines 8-24.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II.   REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 45-46, 48-56, 58-65, 67-75, and 77-79 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,785,598 to Hsu (hereinafter, merely "Hsu").

As understood by Applicant, Hsu relates a software cartridge which is extensible with additional programs and/or data. The software cartridge may connect with an add-on cartridge including additional data and/or programs of at least one game. A game console

00376404

U.S. Application No. 09/364,638
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connected with the software cartridge and the add-on cartridge determines whether the additional

game data stored in the add-on cartridge support the game of the software cartridge under control

of the control programs stored in the software cartridge, and then use the additional program

and/or data which support the game to enhance the content of the game.

Claim 45 recites, *inter alia*:

"... wherein said processor **selectively** uses said first data
stored in said non-removable data storage or said second data
stored in said other data storage according to said booting program
to start up said information processing apparatus, said other data
storage being capable of data communication with said information
processing apparatus,

<u>wherein said first data and said second data are startup
image data</u>, and

<u>wherein said processor selectively displays an image of
said first data or an image of said second data on a display
according to said booting program in starting up said
information processing apparatus before an application
program is executed.</u>" (Emphasis added)

Applicant respectfully submits that nothing has been found in Hsu or one of

ordinary skill in the art that would teach or suggest the above-identified features of claim 1.

Specifically, neither Hsu nor the knowledge of one of ordinary skill in the art, taken alone or in

combination, teach or suggest that <u>the first data and the second data are startup image data</u>.

Additionally, neither Hsu nor the knowledge of one of ordinary skill in the art, taken alone or in

combination, teach or suggest that the <u>processor selectively displays an image of the first or</u>

<u>second data on a display according to the booting program in starting up the information</u>

<u>processing apparatus before an application program is executed</u>, all as recited in claim 1.

Although Hsu discloses a single booting program accessing two data stored in

removable data storage cartridges (Figure 4, cartridges 200, 300), the cartridge 200 stores a

game application program and data while the cartridge 300 stores an additional program

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and/or data (see Col. 3, lines 32-38 of Hsu). No data area of either cartridge 200 or cartridge

300 of Hsu store startup image data to be displayed during a booting operation, as required by

claim 45. The data stored in cartridge 200 and cartridge 300 of Hsu are application programs

to be executed *after* booting the apparatus of Hsu, and *not* a startup image data to be displayed

before an application program is executed, also as required by claim 45.

Further, claim 45 requires the startup image data is used selectively by the

processor (see page 2, lines 20-26 of the Specification). This feature is not disclosed or

suggested by Hsu or the knowledge of one of ordinary skill in the art. The Office Action has

failed to address this feature in the rejection.

Therefore, Applicant respectfully submits that independent claim 45 is patentable.

Independent claims 51, 55, 61, 65, 71, and 75 are similar, or somewhat similar, in

scope to independent claim 45, and are therefore patentable for similar, or somewhat similar,

reasons.

III.   DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the

independent claims discussed above and are therefore patentable for at least the same reasons.

Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is

respectfully requested.

00376404

U.S. Application No. 09/364,638
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PATENT
450127-02126

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.
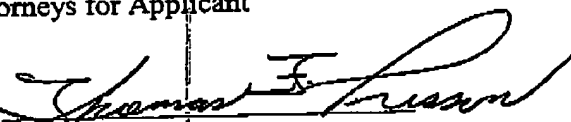
Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicant respectfully submits that all of the claims are in condition for allowance and requests early passage to issue of the present application.

Respectfully submitted,

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